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Agenda item 100 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Andorra, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Nicaragua, Norway, Peru, Poland, Portugal, Russian Federation, Slovenia, South Africa, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights, 1/ which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, 2/ in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

Recalling its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary and arbitrary executions, and its subsequent resolutions on the subject, most recently resolution 47/136 of 18 December 1992,

Mindful of the dismay and condemnation expressed by the World Conference on Human Rights at the continuing occurrence of gross and systematic violations of human rights, including summary and arbitrary executions,

Deeply alarmed at the continued occurrence on a large scale of summary or arbitrary executions, including extrajudicial executions,

Condemning especially violations of the right to life of minors and, in particular, children and adolescents without homes,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15, 3/

Welcoming the close cooperation established between the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat and the Committee on Crime Prevention and Control 4/ with regard to questions relating to extrajudicial, summary or arbitrary executions,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the most fundamental right, the right to life,

1. Once again strongly condemns the large number of extrajudicial, summary or arbitrary executions which continue to take place throughout the world;

2. Demands that the practice of summary or arbitrary executions be brought to an end;

3. Urgently appeals to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and

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3/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August to 6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.

4/ In its resolution 46/152 of 18 December 1991, the General Assembly requested the Economic and Social Council to dissolve the Committee on Crime Prevention and Control and establish the Committee on Crime Prevention and Criminal Justice.

non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extrajudicial executions;

4. Reaffirms Economic and Social Council decision 1992/242 of 20 July 1992, in which the Council approved the decision of the Commission on Human Rights 5/ to appoint a special rapporteur for three years to consider the questions related to summary or arbitrary executions and also approved the Commission's request to the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur, and recommends that the Commission on Human Rights continue his mandate at the fifty-first session of the Commission;

5. Strongly urges all Governments, in particular those that have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

6. Requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has recently occurred, and, furthermore, to promote exchanges of views between Governments and those who provide reliable information to the Special Rapporteur, where the Special Rapporteur considers that such exchanges of information might be useful;

7. Also requests the Special Rapporteur to continue, in his next report, to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to national or ethnic, religious and linguistic minorities;

8. Welcomes the recommendations made by the Special Rapporteur in his reports to the Commission on Human Rights at its forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth and fiftieth sessions with a view to eliminating summary or arbitrary executions;

9. Encourages Governments, international organizations and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials as well as members of the United Nations peace-keeping or observer missions on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

10. Urges the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights such situations of

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5/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A, resolution 1992/72.

extrajudicial, summary and arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

11. Requests the Special Rapporteur to continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

12. Considers that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, as well as medical and forensic experts;

13. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur and in view of the increasing workload of the Special Rapporteur, to substantially increase, within existing resources, the human and material resources placed at his disposal, so that he may effectively carry out his mandate;

14. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appears not to have been respected;

15. Requests the Commission on Human Rights at its fifty-first session, on the basis of the report of the Special Rapporteur, to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.